

1 A I believe. Yeah.

2 Q And can you just describe what kind of
3 distress, emotional distress that you felt whenever
4 you received that letter?

5 A That's not an easy question to answer.
6 Okay? Because I come home from work every day and
7 try to sit down and just be calm, and I get stuff
8 like this in the mail and it would just -- I'd start
9 bringing back memories of seeing her in the hospital
10 bed and the pain and torture she went through and
11 just to watch a beautiful woman be eaten alive with
12 cancer and why are these people doing this.

13 I called Chase and they told me I
14 didn't owe them money. Why are they doing it? It
15 made me physically sick. My stomach would just tie
16 up in knots. I couldn't eat. I just started
17 shaking.

18 Q If you need to take a break, we can take a
19 break.

20 MR. SUHER: Do you want to take a quick
21 break, go walk outside a little bit?

22 THE WITNESS: I'll be fine in a second.

23 - - - -

24 (There was a pause in the proceedings.)

25 - - - -

1 A Sorry about breaking down. That's just
2 the way I felt. That's the way I felt when I got
3 this letter, and especially those letters, because I
4 sent them a letter after the first one asking them
5 to stop.

6 I mean, every night I come home from
7 work, there's messages on my answering machine to
8 call Phillips & Cohen. They were relentless. Okay?
9 And it was driving me crazy. I don't know. I
10 guess, at least this -- when I sent these people a
11 notice to leave me alone, they did.

12 Q (By Ms. Vugrinovich) And you're talking
13 about the West Asset Management?

14 A Correct.

15 Q Did your wife have a will?

16 A No, she didn't.

17 Q Who was in charge of her estate after she
18 passed away?

19 A There is no estate.

20 Q Was there anything legal-wise that anybody
21 assisted you or your son in handling after she
22 passed away?

23 A Nope. I'm sorry. No.

24 Q When did you first hear of Phillips &
25 Cohen?

1 A When they started calling the house. I
2 don't recall the exact date of the --

3 Q Can you give me an approximate, maybe a
4 month and a year?

5 A It had to have been like January of 2008.
6 Like I say, I don't remember exactly.

7 Q When they started calling your house in
8 what you believe was January of '08, did they leave
9 messages or did you actually speak with somebody
10 that month?

11 A I only spoke with one person, and that was
12 after I got so frustrated, but, no, I didn't. They
13 left messages sometimes. Sometimes there was no
14 message, but on the caller ID was their phone number
15 or their name depending on which phone I looked at
16 at the time.

17 Q Approximately, how many times per week
18 would they call you in this month of January of '08?

19 A I can't give you any kind of guess at
20 that. I'd just be guessing, but I know it was -- I
21 come home from work and there were several. Whether
22 it be four, five, I don't know. It just seemed like
23 it was daily.

24 Q And were all of those from Phillips &
25 Cohen?

1 Q And did you receive the green card
2 confirming that the office of Phillips & Cohen
3 received your letter?

4 A Yes, I did.

5 Q And if you look at Exhibit C, I think
6 that's -- yeah. That's what you're looking at. If
7 you look at the top green card, it looks like the
8 date of delivery was February -- it's either the
9 24th or the 9th or the 1st. Does that sound
10 about -- well --

11 A I have no idea what's written on there. I
12 cannot read it at all.

13 Q Where did you get the address that you
14 sent your cease and desist notice to?

15 A Right there.

16 Q And you're referring to Exhibit A?

17 A Correct.

18 Q The address that is directly across from
19 where it says Jill C. Desmond?

20 A Correct.

21 Q So that was in, fair to say, end of
22 February of '08 that you did this?

23 A Correct.

24 Q In between the end of February '08 and
25 May 13, 2008, beginning of May, we'll say, of 2008,

1 did you hear from Phillips & Cohen at all?

2 A Yes.

3 Q How did you hear from them?

4 A By phone. They were leaving messages.

5 Q And what was the frequency of the messages
6 they were leaving?

7 A It was still pretty consistent. I can't
8 give you an exact number, but it was still pretty
9 consistent.

10 Q Did the individual who was leaving the
11 messages identify him or herself?

12 A Only once, only once. The name I had
13 written down with a phone number. It's on one of
14 those pieces of paper. I thought it was Amber or
15 Lauren, but it turns out it was Amber Lorn.

16 Q In between the end of February of 2008 and
17 your receipt of the next letter dated May 13, 2008,
18 did you actually speak with anybody from Phillips &
19 Cohen?

20 A Yes, I did.

21 Q Do you know when you did speak with an
22 individual from Phillips & Cohen?

23 A I don't recall the exact date, but it's in
24 there someplace.

25 Q Would it be in your notes? These are your

1 notes. You can take a look at those and let me
2 know.

3 A No, I don't have a date written down on
4 it, but that's when -- I have it written down Amber
5 and Lauren, but it was -- Amber Lorn was the name.

6 Q Did she call you?

7 A Yes.

8 Q And what did she say to you whenever you
9 picked up the phone?

10 A She just -- I can't remember exactly what
11 she said, how the conversation started. No, I
12 can't. But she -- I'm sure she said she was from
13 Phillips & Cohen, which I already knew by looking at
14 the caller ID, and then it just went on from there.

15 Q Can you --

16 A Do you want me to elaborate? Do you want
17 me to go on what went on?

18 Q Yeah. I want you to tell me to the best
19 of your recollection what the telephone conversation
20 was, what she said, what you said in response.

21 A What I said after I found out -- after I
22 knew who it was -- I gave her at least a second to
23 say hello or whatever. I said to her: You know,
24 you're like a bunch of vultures. My wife's been
25 dead just a few months and you're calling me

1 hassling me for money.

2 And she said: Well, we like to give
3 at least three months for you to grieve. And I
4 thought you got to be shitting me. I was married to
5 her for 42 years and you think three months is
6 enough time to grieve?

7 And then she went on about -- I'm not
8 even sure what she went on with because I was so
9 pissed off at her, I wanted to reach through the
10 phone and choke her.

11 She says: Well, I got some
12 questions. And I says: Well, you got questions,
13 send them, write them down and send them to me.
14 I'll have an attorney look at them.

15 She said: Oh, no, no, no. Just
16 simple little questions. I said: Well, what are
17 they? She says: I just want to know do you have a
18 will, did she have will.

19 I said: No, she didn't. She says:
20 Is there an estate? I said: No, there isn't. I
21 says: I just want this crap to stop. I'm tiring of
22 it. I says: I was told by Chase I don't owe the
23 money. Why are you bothering me?

24 She said at the end of the
25 conversation -- I don't recall if there was anything

1 going on between that, but at the end of the
2 conversation, she says: Well, this is it. We won't
3 bother you anymore.

4 Q Do you recall mentioning anything to her
5 about turning in two cars that you were leasing?

6 A I know I mentioned something about, you
7 know, I have two cars that were leased, one was in
8 my wife's name and the truck was in mine, and
9 without her income, I couldn't afford it.

10 Q Is it fair to say at that time you were
11 having some financial difficulties?

12 A I can't say. No. Because I was paid up
13 on everybody. I was keeping my payments going. I
14 just wasn't getting rich.

15 Q So aside from turning -- was it just
16 turning her car in or was it both of your cars?

17 A Both of them. Between the mortgage on the
18 house and the two car payments, I wasn't making
19 enough money to pay for both of them, for
20 everything.

21 Q All your other bills, were you current on
22 them?

23 A Oh, yes, absolutely.

24 Q I think you testified it was Amber that
25 contacted you? This was the person you spoke to?

1 off, we were talking about how you felt when you
2 received the letter dated May 13, 2008. After you
3 got the letter, what did you do?

4 A I just broke down. I just cried. My
5 blood pressure went sky high. I could feel it in my
6 head. I just -- like I was going to blow up. I
7 just couldn't believe it. This letter that I got on
8 this day was the worst because I was betrayed. They
9 told me it was over with and then they go and do it
10 again.

11 Q Now, when you received other letters that
12 were addressed to your wife, you know, any sort of
13 letter, did you have any sort of the same reaction
14 as you did when you received these letters?

15 A I got letters from the American Cancer
16 Society and I had to call them and get her name
17 taken off. They were asking for donations.

18 Q Because that made you feel the same way
19 that you did when you received --

20 A No, no, not as bad. I mean, American
21 Cancer Society was great. I try to do everything I
22 can to help them.

23 Q What other types of letters would you
24 receive that were addressed in your wife's name and
25 the estate of your wife that made you upset --

1 A Just junk mail.

2 Q You have to let me finish my question
3 first.

4 A I'm sorry.

5 Q That's okay. What other types of letters
6 did you receive either addressed to your wife or
7 addressed to the estate of your wife that upset you
8 after she passed away?

9 A I never got anything addressed to the
10 estate of my wife except this.

11 Q What about the letters that were addressed
12 to your wife that you received; what types of
13 letters would upset you?

14 A Nothing really, just seeing her name, but
15 nothing -- she never got anything, really, except
16 junk mail mainly. That's it. I just throw that
17 away.

18 Q But seeing her name on the letters upset
19 you; is that correct?

20 A Yeah. Yeah.

21 Q Did seeing --

22 A I'm sorry.

23 MR. SUHER: That's alright. You answered
24 the question. That was a yes or no. You
25 answered.

1 complaint prior to Mr. Suher filing it?

2 A I'm sure, yeah.

3 Q Did you feel as though the letters were
4 more hurtful to you than the messages or the
5 telephone call or the missed calls?

6 A It was a combination, everything just
7 piling up.

8 Q But the phone call, the missed calls, and
9 the messages weren't contained in your complaint;
10 right?

11 A I guess not, no.

12 Q As a result of the phone calls -- the
13 phone call, the singular phone call that you spoke
14 with Amber, the letters, the missed calls, any
15 messages, did you sustain any out-of-pocket damages?

16 A No.

17 Q Did you ever go to any doctor and talk
18 about these phone calls, letters, et cetera, that
19 they were bothering you?

20 A No.

21 Q While you were taking care of your wife,
22 after your wife had passed away, did you ever go to
23 your PCP or any doctor regarding any anxiety or
24 depression that you were feeling?

25 A Yes.

1 Q And who did you go to?

2 A Dr. Andrew Joseph.

3 Q And where is he located?

4 A Bethel Park.

5 Q Do you know; is he in a complex or --

6 A It's UPMC.

7 Q Is he with a group?

8 A I couldn't tell you, to be honest. I
9 think there's three doctors in that. It's a UPMC
10 building and his office is in there along with I
11 don't know how many doctors.

12 Q Do you remember what road it's on?

13 A Oxford Drive, I believe it is. It goes
14 around and around, right across from Home Depot.

15 Q When was the first time you went to
16 Dr. Joseph complaining of any sort of anxiety or
17 depression?

18 A I believe -- I don't remember the exact
19 date. I really don't. I would just be guessing.
20 It was after she passed away.

21 Q And you didn't mention Phillips & Cohen or
22 the call or anything like that?

23 A Not anything yet.

24 Q So this was in between -- I believe you
25 said she passed away in November of '07?

1 A Uh-huh.

2 Q So would it have been between November of
3 '07 and approximately January of '08 that you went
4 to see him?

5 A Sure. Yeah.

6 Q Did he prescribe any medications for you?

7 A Uh-huh.

8 Q What did he prescribe for you?

9 A I'm sorry. Yes. Xanax.

10 Q Do you still take the Xanax?

11 A He prescribed three a day, and I take only
12 when I need it now.

13 Q During the time of these telephone calls
14 and the letters, so we'll say from January of '08 to
15 the end of July of '08, were you still taking the
16 Xanax three times a day?

17 A More than that.

18 Q You were taking it more than three times a
19 day?

20 A Yeah.

21 Q How many times a day were you taking it?

22 A Whenever I got this letter or phone call,
23 I'd get so frustrated, it's the only way I could
24 calm myself down.

25 Q On other days that you didn't receive a

1 letter or get a letter or missed call, would you
2 take more than the three?

3 A I'd usually just take one in the morning.

4 Q Okay. Wait a minute. My question before
5 was between January of '08 and we'll say the end of
6 July of '08, I asked if you were taking three a day,
7 three Xanax a day. I thought you said yes, but --

8 A That's what he prescribed was three a day,
9 a maximum of three a day, and for the first few
10 weeks, I guess I took that prescription, and it
11 just -- I felt I was doing more harm to myself by
12 taking too many of them, so I cut it down to just
13 take one in the morning and see how it goes. If I
14 need one later, I'll take one later.

15 Q So after the first couple weeks after your
16 wife passed away, you were basically taking one in
17 the morning and then whatever -- you took one more
18 as needed depending on how you were feeling?

19 A Yes.

20 Q Did Dr. Joseph prescribe any other
21 medications for you, any antidepressant, any other
22 antianxiety medication?

23 A No, no.

24 Q How many times did you go to see
25 Dr. Joseph regarding any anxiety or depression you

1 were feeling after your wife died?

2 A Just that one time.

3 Q Did you ever go to any other doctor prior
4 to your going to see Dr. Joseph and complain about
5 any feelings of anxiety or depression?

6 A No.

7 Q So you don't have a history of feeling
8 that way?

9 A I don't go to doctors.

10 Q Have you ever been to a psychologist,
11 therapist?

12 A No.

13 Q I went through with you every letter that
14 you received and how you felt. Is there anything
15 more you wanted to tell me about the emotional
16 distress that you felt upon receiving letters, the
17 one phone call, or seeing the missed calls or
18 messages on your answering machine?

19 A There's so much more to it than just that.
20 There is absolutely so much more to it. When she
21 was diagnosed in September of '06, one month after
22 we moved into a new house, I found out she had small
23 cell cancer, I looked it up and it was a terminal
24 disease.

25 We had been married for many, many

1 years, and I never lied to my wife, but I couldn't
2 tell her that it was terminal. So for the next 14
3 months, I had to keep a positive attitude. I
4 couldn't break down in front of her. I couldn't --
5 I just couldn't let my guard down.

6 The only time I broke down was when I
7 would get in the shower and I would just absolutely
8 lose it. After she died -- before she died, when
9 she was in the hospital, just -- I would go in at
10 six o'clock in the morning and stay till
11 nine o'clock at night because they would bring her
12 food in and I would put it on the tray in front of
13 her and she couldn't feed herself. She couldn't do
14 anything. They didn't care.

15 So they brought her home under
16 hospice care, and I still had to be positive, you
17 know. She asked me one time in the hospital, she
18 said: I'm going to die, aren't I? And, like I
19 said, I never lied to my wife and I couldn't -- I
20 couldn't lie to her then. I just said to her: You
21 can't die because I need you.

22 And then I just watched her when she
23 come home under hospice, just watched her go
24 downhill so fast, and when she died, it just -- like
25 somebody just pulled the plug out of me and drained

1 me totally.

2 Q Is it fair to say that you were still
3 grieving the loss of your wife at the time you were
4 receiving letters --

5 A I'm still grieving -- I'm sorry to step --
6 let you finish. I'm sorry.

7 Q Okay. Is it fair to say you were still
8 grieving the loss of your wife when you received the
9 letters that we discussed, the phone call, the
10 missed calls, and the messages?

11 A Yes.

12 Q When you described to me when you received
13 the letters that you felt knots in your stomach,
14 that you felt like you were going to throw up, did
15 you feel that way prior to receiving any
16 communication from Phillips & Cohen simply just
17 because those were symptoms you had because of the
18 loss of your wife?

19 A No, no.

20 Q Other than Mr. Petock, did you discuss any
21 communication with Phillips & Cohen to anybody else?

22 A No.

23 Q Did you talk to your son about it?

24 A No.

25 Q Let me see your notes there. That one,